

[HOUSE BILL, No. 191.]

HOUSE OF REPRESENTATIVES.—November 14, 1864.—
Read first and second times, made special order for Monday next, after
morning hour, and day to day, and ordered to be printed.

[By Mr. PERKINS.]

A BILL

To be entitled “An act to facilitate the settlement of claims of de-
ceased officers and soldiers.”

1 *The Congress of the Confederate States of America do enact, That*
2 there shall be appointed by the President, by and with the advice
3 and consent of the Senate, an additional officer of the Treasury
4 Department, to be called the Fourth Auditor, who shall be charged
5 with the auditing of the claims of deceased officers and soldiers,
6 in accordance with the laws relating thereto, who shall receive
7 for his services a salary of ———— dollars per annum, and
8 the clerical force in said office shall consist of one chief clerk,
9 with a salary of ———— dollars per annum, and a Regis-
10 ter, with a salary of ———— dollars per annum, and one
11 chief of division for each State, who shall be a citizen of the
12 State represented by his division, with salaries of ————
13 dollars per annum each, and such other clerical force as may be
14 deemed necessary by the Secretary of the Treasury to expedite

15 the business of this bureau, with such salaries as are now allowed to
 16 similar clerkships in the other Auditors' office: *Provided, That the*
 17 *claims for the States of Arkansas and Missouri shall be included*
 18 *in the division for Arkansas, and those for Kentucky, Maryland*
 19 *and Tennessee shall be included in the division for Tennessee:*
 20 *And provided further, That the clerks in each division, other than*
 21 *those at present employed in the settlement of these claims, shall*
 22 *be appointed from citizens of a State represented in the division*
 23 *to which they are appointed, and who are not liable to conscrip-*
 24 *tion, and that said Auditor and his clerks shall be hereafter en-*
 25 *tirely exempt from military duty, except such as may be re-*
 26 *quired in the preservation and defence of the public property in*
 27 *their charge.*

1 SEC. 2. That when it is proven that any officer or soldier was
 2 wounded and fell into the hands of the enemy, and nothing has
 3 been heard from such wounded officer or soldier for twelve
 4 months, this fact shall be deemed sufficient to presume death at
 5 the time when wounded; and the claim shall be audited and paid
 6 as if the death had been returned by the proper officer: *And*
 7 *further, That when claims are filed in the office of the Fourth*
 8 *Auditor it shall be his duty to acknowledge the receipt thereof*
 9 *forthwith, and if they be found to be materially defective in pre-*
 10 *paration or evidence, to cause them to be returned immediately*
 11 *to the claimants with special instructions for amendment.*

1 SEC. 3. That the claims filed from any State shall be settled
2 in the division of such State in accordance with the laws and
3 rules heretofore controlling in the office of the Second Auditor,
4 and in accordance with such orders and regulations as may be
5 hereafter issued and approved by the Secretary of War: *Pro-*
6 *vided*, That the Fourth Auditor shall have discretionary power
7 equitably to determine and amend immaterial omissions or points
8 of evidence, when satisfied of the justice thereof, so as to avoid
9 the suspension of claims for trivial causes, and to enable
10 him to perfect the evidence required, it is hereby made the spe-
11 cial duty of all officers of the Government to respond promptly,
12 and as fully as their records will permit, to his calls for infor-
13 mation; and the Fourth Auditor is hereby further authorized to
14 send an agent for each division to the troops in the field from
15 the State or States composing a division, and to whom trans-
16 portation for this purpose shall be granted, to obtain from the
17 various commanding officers final statements of deceased officers
18 and soldiers, and said lists, when so obtained, shall be taken and
19 used as evidence in the settlement of claims: *Provided further*,
20 That the claims, when settled, shall not be subjected to reference
21 or the revision of any other officer of the Government what-
22 soever.

1 SEC. 4. That when there is living no widow, child or children,
2 father or mother of the officer or soldier, at the time of his death,

3 the arrears of pay, &c., shall be paid equally to the brothers and
 4 sisters of the deceased, upon their own affidavit, and that of one
 5 disinterested corroborating witness as to such relationship: *Pro-*
 6 *vided*, The sum does not exceed one hundred dollars, in which
 7 case letters of administration must be had.

1 SEC. 5. That the certificates of pay issued in the settlement
 2 of such claims shall have preference in payment over other claims,
 3 and shall be paid by any paymaster or quartermaster, or the Treas-
 4 urer of the Confederate States, on presentation, and shall be
 5 made payable alone to the ascertained representative or his or
 6 her executor or administrator, and be assignable by the claimant,
 7 in writing thereon, to any other individual except to one who is
 8 or has been in the employment of a Department of the Govern-
 9 ment.

1 SEC. 6. That in case of doubt arising in the interpretation or
 2 construction of this act, the Fourth Auditor shall be authorized
 3 to obtain the opinion of the Attorney General, through the Sec-
 4 retary of the Treasury.

1 SEC. 7. That the claims of all deceased officers and soldiers
 2 from the trans-Mississippi department who have died or been
 3 killed in the military service, or who may hereafter die or be
 4 killed in the military service, may be settled under the provisions
 5 of this act by the Auditor and Register of the Treasury for that
 6 Department, under such regulations as shall be prescribed by
 7 the Fourth Auditor, to guard against fraud and insure expedition
 8 and uniformity in their settlement.

1 SEC. 8. That all existing laws conflicting with this act are
 2 hereby repealed.